

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KONONOV VITALY.

No. 2:22-CV-1916-DAD-DMC-P

Plaintiff,

ORDER

SACRAMENTO COUNTY SHERIFF
DEPARTMENT, et al.,

Defendants.

Plaintiff, who is proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On August 1, 2024, the Court determined service of Plaintiff's second amended complaint was appropriate for Defendants Leahy and Vice and directed Plaintiff to submit documents for service of the action by the United States Marshal. See ECF No. 17. Among other documents, Plaintiff was required to submit three copies of the second amended complaint. See id. On August 30, 2024, Plaintiff submitted documents. See ECF No. 19. Plaintiff did not, however, submit with his documents three copies of the second amended complaint. He submitted only one copy. Plaintiff will be directed to supplement his August 30, 2024, submission of documents by submitting two additional copies of the second amended complaint. Plaintiff is cautioned that failure to comply may result in dismissal of the entire action. See Local

1 Rule 110.

2 A review of the docket reflects that Plaintiff has filed a third amended complaint
3 without leave of court. See ECF No. 18. Where a party files an amended complaint without the
4 right to do so, it is properly stricken by the Court. See, e.g., Hardin v. Wal-Mart Stores, Inc., 813
5 F. Supp. 2d 1167, 1181 (E.D. Cal. 2011) (striking fourth amended complaint: “If an amended
6 pleading cannot be made as of right and is filed without leave of court or consent of the opposing
7 party, the amended pleading is a nullity and without legal effect.”); Sexton v. Spirit Airlines, Inc.,
8 Case No. 2:21-cv-00898-TLN-AC, 2022 WL 976914 (E.D. Cal. March 31, 2022) (striking
9 amended complaint); Guthrie v. Hurwitz, Case No. 1:18-cv-00282-AWI-BAM, 2018 WL
10 4005261, at *1 (E.D. Cal. Aug. 20, 2018) (striking amended complaint).

11 Accordingly, IT IS HEREBY ORDERED as follows:

12 1. The third amended complaint filed on August 30, 2024, ECF No. 18, is
13 stricken

14 2. Plaintiff shall complete and file the attached notice and submit therewith
15 two additional copies of his second amended complaint within 30 days of the date of this order.

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17 Dated: September 18, 2024



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19 DENNIS M. COTA
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21 UNITED STATES MAGISTRATE JUDGE
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KONONOV VITALY,

No. 2:22-CV-1916-DAD-DMC-P

Plaintiff,

v.

SACRAMENTO COUNTY SHERIFF
DEPARTMENT, et al.,

Defendants.

NOTICE OF SUBMISSION OF DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's
order:

_____ copies of the first amended complaint.

DATED: _____

Plaintiff